

EXHIBIT A

Richard Mack

From: Richard Mack
Sent: Tuesday, February 3, 2015 4:49 PM
To: Steven H. Schwartz; okunr@michigan.gov
Subject: Re: AFSCME Council 25/DWSD UC 14 F-010

Director Okun,

On January 21, 2015, the City said that "DWSD will be filing a Motion with the federal Court in the next few days asking for clarification from the federal court on this issue. "

It insisted that the Commission not even convene a conference to discuss the Unit clarification petition until a resolution of its motion.

I have received no notice of the city having filed such a motion in the almost two weeks since this email. May we have a conference call to discuss this matter, with the ALJ assigned to this matter? Thank you

Sent from my iPhone

On Jan 22, 2015, at 1:36 PM, "Richard Mack" <richardmack@millercohen.com> wrote:

Without commenting on the need for the motion to Judge Cox, my request was for a conference. Certainly, by the time the conference is scheduled, the parties will be able to meet to discuss what is necessary going forward.

From: Steven H. Schwartz [<mailto:shslaw@aol.com>]
Sent: Wednesday, January 21, 2015 10:02 AM
To: okunr@michigan.gov
Cc: Richard Mack
Subject: AFSCME Council 25/DWSD UC 14 F-010

Ms. Okun: This email is in response to Mr. Mack's January 9, 2015 request to schedule hearings on AFSCME's unit clarification petition.

To refresh your memory, on November 4, 2011, the federal District Court ordered DWSD to take a number of actions in order to come into compliance with EPA water pollution standards. A copy of that Order is attached for your convenience. Specifically, Paragraph 8 of that Order stated (pages 6-7) (underlined):

The Director of the DWSD shall perform a review of the current employee classifications at the DWSD and reduce the number of DWSD employee classifications to increase workforce flexibility. Future DWSD CBAs shall include those revised employee classifications.

In Paragraph 17 of that Order, the federal Court expressly enjoined MERC from hearing disputes arising from the employee classification review that it ordered DWSD to conduct (page 7) (underlined):

The Court enjoins the Wayne County Circuit Court and the Michigan Employment Relations Commission from exercising jurisdiction over disputes arising from the changes ordered by this Court. The Court also enjoins the unions from filing any grievances, unfair labor practices, or arbitration demands over disputes arising from the changes ordered by the Court.

Consistent with the directives of the federal Court's Order, DWSD did conduct a comprehensive review of its job classifications and has begun consolidation of those job classifications. Since DWSD started this process with 20 different bargaining units and it combined approximately 250 job classifications into slightly more than 50 job classifications, by definition, this reorganization has cut across various bargaining units.

DWSD interprets the federal Court's Order as enjoining MERC from considering this unit clarification petition. However, the appropriate entity to interpret this Court Order is the federal court, not MERC. DWSD will be filing a Motion with the federal Court in the next few days asking for clarification from the federal court on this issue. Therefore, neither you nor an administrative law judge should take any action on Mr. Mack's request until the federal court rules on that Motion.

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